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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,794	09/29/2003	Ronald P. Sansone	F-729	2973

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Ronald Reichman Pitney Bowes Inc.
Intellectual Property, Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

STONE, JENNIFER A

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,794

Applicant(s)

SANSONE ET AL.

Examiner

Jennifer A Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>September 29, 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al. (US 6,130,613), and further in view of Leon (US 6,701,304).

For claim 1, Eberhardt discloses a method for paying for mail to be delivered from a sender in a first zip code to a recipient in a second zip code, comprising the steps of: affixing a radio frequency identification (RFID) tag to mail (col 1, Ins 20-22) for the payment of the carrier fees for the first zip code; and the second zip code (col 8, Ins 1-13; col 8, Ins 60-63). Eberhardt, however, is unclear if the payments of the carrier fees apply to a first country; and a second country. Leon, on the other hand incorporates RFID tags affixed to mail that include payment of carrier fees for a first country; and for a second country (col 4, Ins 10-18; col 8, Ins 57-67; col 9, Ins 1-12 and 46-52; col 11, Ins 10-12). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include payment for a first country and second country on an RFID device so that tracking history of the mail is enhanced.

For claim 2, Eberhardt discloses the RFID tag has a first portion for storing fees for the first zip code and a second portion for storing fees for the second zip code (col 8, Ins 1-13, 43-48, and 57-63). It is well known that sender and recipient addresses

include a first zip code and a second zip code, respectively; however, Eberhardt does not disclose that fees apply to a first country; and a second country. Leon, however, does disclose storing fees relevant to a first and second country (col 4, Ins 14-19; col 8, Ins 57-67; col 9, Ins 1-13). It would have been obvious to store fees pertaining to different countries on the RFID tag so that payment adjustments are updated in the event of currency rate changes.

For claim 3, Eberhardt discloses graphics printed in the vicinity of the RFID tag (Fig. 7, col 3, Ins 4-6).

For claim 4, Eberhardt discloses human readable information printed in the vicinity of the RFID tag (Fig. 1 – 32 cents and U.S.).

For claim 5, the human readable information indicates postage has been paid (Fig. 1 – 32 cents; col 2, Ins 36-39).

For claim 6, Eberhardt discloses human readable information that indicates that the postage has been canceled (col 8, Ins 49-54).

For claim 8, the RFID tag contains a unique number that uniquely defines the mail (col 3, Ins 18-20; col 4, Ins 53-55).

For claim 9, the RFID tag stores the services requested by the mailer (col 6, Ins 54-56; Fig. 9, items 603).

For claim 10, the RFID tag stores the payment for the requested services (Fig. 9, item 604; col 6, Ins 54-56).

For claim 11, the RFID tag stores the mailer's name and address (col 6, ln 55; Fig. 9, item 601). It is well known that sender information comprises a mailer's name and address.

For claim 12, the RFID tag stores the recipient's name and address (col 6, ln 55; Fig. 9, item 602). It is well known that recipient information comprises a recipient's name and address.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhardt et al. (US 6,130,613) and Leon (US 6,701,304), and further in view of De Souza et al. (US 2004/0012496).

Eberhardt discloses canceling the postage on the RFID tag; however, canceling the tag is not disclosed. De Souza, on the other hand, discloses canceling an RFID tag affixed to a payment check (Fig. 1, item 12; paragraph 0017, lns 1-4; parag 0021, lns 1-3). It would have been obvious to cancel the RFID tag so that the tag can be reused. Reusing RFID tags is cost efficient.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Tuttle (US 6,741,178) discloses an RFID tag affixed to a stamp or mailing label.

Johnson et al. (US 5,459,670) discloses an electronic system for processing international mail.

Hoffmann et al. (US 2003/0014375) discloses an RFID tag on mail to transfer between more than one country.

5: Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
February 9, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600